



Attorney Docket No. T9105.C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MARIE K. WALSH et al. )  
TITLE: TEXTURED WHEY PROTEIN )  
PRODUCT AND METHOD )  
SERIAL NO.: 10/644,604 ) CERTIFICATE UNDER 37  
FILED: August 19, 2003 ) C.F.R. § 3.73(b) TO  
EXAMINER: \_\_\_\_\_ ) ESTABLISH RIGHT OF  
ART UNIT: 1761 ) ASSIGNEE TO TAKE ACTION

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

To establish its right to take action before the Office in the above-captioned matter, Utah State University certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. [X] An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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Certificate of Deposit Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 29th day of December, 2003.

Alan J. Howarth  
Attorney Registration No. 36,553

B. [ ] A chain of title from the  
\*\*\* [inventor(s)/applicant(s)] \*\*\* of the  
\*\*\* [patent/trademark application] \*\*\* identified  
above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and  
Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for  
which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and  
Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for  
which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and  
Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for  
which a copy thereof is attached.

C. [X] Copies of assignments or other documents in the  
chain of title are attached.

The undersigned (whose title is supplied below) is empowered  
to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own  
knowledge are true, and that all statements made on information and  
belief are believed to be true; and further, that these statements  
are made with the knowledge that willful false statements, and the

like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 19th day of December, 2003.

Utah State University

By

J. J. Kubisen

Printed Name

Steven J. Kubisen

Title

V.P. of Technology Management  
& Commercialization

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A S S I G N M E N T

WHEREAS, Marie K. WALSH and Charles E. CARPENTER, citizens of the United States of America having post office addresses of 1907 North 3805 East, North Logan, Utah 84341, and 2671 West 5700 South Wellsville, Utah 84339, respectively, have invented a method and apparatus entitled TEXTURED WHEY PROTEIN PRODUCT AND METHOD, hereinafter called the "invention," preferred embodiments of which are disclosed in a United States continuation-in-part application executed on October 16, 2003 and being assigned application serial no. 10/644,604, and filed on August 19, 2003, which claims the benefit under Section 120 of Title 35 of the United States code of the earlier filed application Serial No. 09/596,191, filed June 16, 2000, which issued as U.S. Patent No. 6,607,777 on August 19, 2003, which claimed the benefit under Section 119(e) of Title 35 of the United States code of the earlier filed application Serial No. 60/140,280, filed June 18, 1999, and identified as File No. T9105.C of the law firm, Clayton, Howarth & Cannon, P.C., P.O. Box 1909, Sandy, Utah 84091 (we hereby authorize the attorneys of Clayton, Howarth & Cannon, P.C. to insert said execution date when known).

WHEREAS, Assignee Utah State University, a university of higher education and a nonprofit corporation, organized and existing under the laws of the State of Utah, located at 570 East

WHEN RECORDED RETURN TO:

Alan J. Howarth T9105.C  
Clayton, Howarth & Cannon, P.C.  
P.O. Box 1909  
Sandy, Utah 84091

Research Park Way, Suite 101, North Logan, Utah 84341, is desirous of acquiring the entire right, title and interest in the invention;

NOW THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration paid to us by the Assignee, the receipt and sufficiency of which is hereby acknowledged, WE HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title and interest in said invention and in the above-identified United States patent application and in all divisions, continuations and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted hereon, and in all corresponding applications filed in countries foreign to the United States, and in all patents issuing thereon in the United States and Foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such applications.

We hereby authorize and request the United States Commissioner for Patents, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behoof of the said Assignee, its successors, assigns and legal representatives.

We hereby agree, without further consideration and without expense to us, to sign all lawful papers and to perform all other lawful acts which the Assignee, or the Assignee's successors,

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Alan J. Howarth T9105.C  
Clayton, Howarth & Cannon, P.C.  
P.O. Box 1909  
Sandy, Utah 84091

assigns and legal representatives, may request of us to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee, or the Assignee's successors, assigns and legal representatives, to further the prosecution of any of such patent applications.

Cooperation to the best of our ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon our heirs and legal representatives.

WHEN RECORDED RETURN TO:

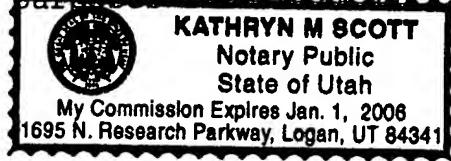
Alan J. Howarth T9105.C  
Clayton, Howarth & Cannon, P.C.  
P.O. Box 1909  
Sandy, Utah 84091

Executed this 15 day of October, 2003, at  
Logan, Utah  
(City, State)

Marie K. Walsh  
Marie K. WALSH

STATE OF Utah )  
: ss.  
COUNTY OF Cache )

On October 15, 2003, before me personally appeared Marie K. WALSH, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that she has read the same and knows the contents thereof and that she executed the same as her free act and deed and for the purposes set forth therein.



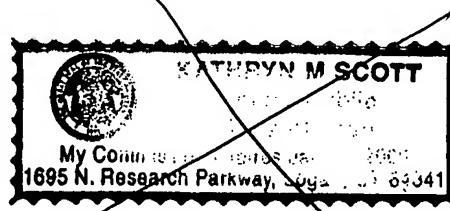
Kathryn M. Scott  
NOTARY PUBLIC

My Commission Expires:

1/1/2006

Residing at

Logan, ut



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Alan J. Howarth T9105.C  
Clayton, Howarth & Cannon, P.C.  
P.O. Box 1909  
Sandy, Utah 84091

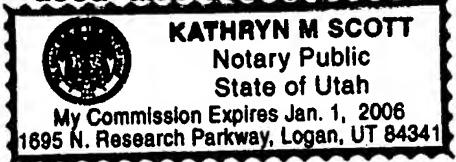
Executed this 16<sup>th</sup> day of October, 2003, at

N. Logan, Ut.  
(City, State)

Charles E. Carpenter  
Charles E. CARPENTER

STATE OF Utah )  
: ss.  
COUNTY OF Cache )

On October 16, 2003, before me personally appeared Charles E. CARPENTER, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.



Kathryn M Scott  
NOTARY PUBLIC

My Commission Expires:

Residing at

1/1/2006

Logan, UT

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WHEN RECORDED RETURN TO:

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